

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S ARCHITECTURAL AND SITE DESIGN STANDARDS; PROVIDING FOR AMENDMENTS TO THE FRONT BUILDING SETBACK IN SINGLE-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

**WHEREAS**, the City of Killeen has declared the application and enforcement of the City's zoning regulations to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

**WHEREAS**, the City Council desires to amend district regulations to preserve and enhance surrounding property values; and,

**WHEREAS**, the City Council finds that such amendments are necessary and will provide consistent and even application of zoning regulations to all applicants;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:**

**SECTION I.** That Chapter 31 of the City of Killeen Code of Ordinances is hereby amended as follows:

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**Sec. 31-77. Special exceptions.**

- (a) The board shall have the power to hear and decide special exceptions to the terms of this chapter upon which the board is required to pass as follows or elsewhere in this chapter, to:
- (1) Permit the erection and use of a building or the use of premises for railroads.
  - (2) Permit a public utility or public service use or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety or general welfare.

- (3) Permit a transitional use between a business or industrial and a residential district where the side of a lot in district "R-1," "SF-2," or "R-2" abuts upon a lot zoned for business or industrial purposes as follows:
  - a. On a lot in district "R-1" or "SF-2," which sides upon a lot zoned for business or industrial purposes, the board may permit a two-family dwelling on a lot with an area of not less than six thousand (6,000) square feet.
  - b. On a lot in district "R-2," which sides upon a lot zoned for business or industrial purposes, the board may permit a four-family dwelling on a lot with an area of not less than six thousand (6,000) square feet.
  - c. Provided, however, that in no case shall any transitional use have a width of more than one hundred (100) feet.
- (4) Grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this article is derived.
- (5) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty (50) percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
- (6) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- (7) Permit land within three hundred (300) feet of a multifamily dwelling to be improved for the parking spaces required in connection with a multifamily dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multifamily dwelling.
- (8) Determine whether an industry should be permitted within district "M-1," light industrial, and district "M-2," heavy industrial, because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
- (9) Determine in cases of uncertainty the classification of any use not specifically named in this chapter.

(b) The Board shall have the power to hear and decide appeals to staff determinations regarding the construction of unique commercial buildings or custom homes ~~having a modern or contemporary architectural aesthetic, which~~that do not conform to the standards in Article VI of this chapter. In considering such request, the board shall consider whether the proposed design meets the intent, if not the letter, of the architectural and site design standards set forth in this chapter.

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**Sec. 31-188. Area regulations.**

- (a) *Size of yards.* The yards in the district "R-1" single-family residential district shall conform to the following:

(1) *Front yard.* There shall be a front yard having a depth of not less than ~~twenty-five (25)~~twenty (20) feet. Where lots have double frontage running through from one (1) street to another, the required front yard shall be provided on both streets. No parking shall be allowed within the required front yard.

(2) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ~~seven (7)~~five(5) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet measured from the centerline of the easement as in the subdivision ordinance.

- (b) *Size of lot.* The lot requirements for the district "R-1" single-family district shall be as follows:

(1) *Lot area.* No building shall be constructed on any lot less than six thousand (6,000) square feet.

(2) *Lot width.* The width of the lot shall not be less than sixty (60) feet at the front street building line, nor shall its average width be less than sixty (60) feet.

(3) *Lot depth.* The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is not less than ninety (90) feet.

(4) *Existing lots.* Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of the ordinance from which this chapter is derived, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

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**Sec. 31-195. Area regulations.**

- (a) *Project size.* All development projects in this district must contain a minimum of one (1) acre of property. A planned unit development (PUD), as defined in chapter 31, article V, division 8, Killeen code of ordinances, shall be required for any request for a "SF-2" district when the total acreage of the request consists of twenty-five (25) acres or more. The purpose of requiring a PUD is to give the city council the ability to determine the proposed development's impact on existing infrastructure and open/recreational space and whether additional public improvements to serve denser development are necessary to promote the health, safety and welfare of the development's residents.

- (b) *Size of yards.* The yards in the "SF-2" single-family residential district shall conform to the following:

- (1) *Front yard.* There shall be a front yard having a depth of not less than ~~twenty-five (25)~~ twenty (20) feet. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.
- (2) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet.
- (3) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet.
- (c) *Size of lot.* The lot requirements for the "SF-2" single-family residential district shall be as follows:
  - (1) *Lot area.* No building shall be constructed on any lot less than five thousand (5,000) square feet of area.
  - (2) *Lot width.* The width of the lot shall not be less than fifty (50) feet at the front street building line. On corner lots, with two (2) street frontages, the minimum width shall be not less than sixty (60) feet.
  - (3) *Lot depth.* The average depth of the lot shall be not less than one hundred (100) feet, except that a corner lot having a minimum width of not less than forty-five (45) feet may have an average depth of less than one hundred (100) feet, provided that the minimum depth is not less than ninety (90) feet.
- ~~(d) *Architectural design.* The same exterior architectural elevation may not be used within any grouping of five homes.~~

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## **Article VI. – Architectural and Site Design Standards.**

### **Sec. 31-900. - Purpose.**

The purpose of this division is to establish design standards for new single-family and two-family residential development within the city limits. The standards in this division are intended to be in addition to any other design standard in this Code. In the event of a conflict, the more stringent regulation shall apply. The Executive Director of Development Services or designee shall have the authority to render interpretations of this Article and to adopt policies and procedures to clarify the application of its provisions.

### **Sec. 31-901. - Applicability and exemptions.**

- (a) The requirements in this division shall apply to all new residential single-family and two-family developments, including single family homes, patio homes, garden homes, townhomes, ~~manufactured homes,~~ and duplexes.
- (b) Unique ~~commercial buildings or~~ custom homes ~~having a modern or contemporary architectural aesthetic, which do not conform to the provisions in this article,~~ that meet the intent, if not the letter, of the architectural and site design standards set forth in this chapter may be approved

by ~~special exception granted by the zoning board of adjustment pursuant to Killeen Code of Ordinances section 31-77(10)~~ the Executive Director of Development Services or designee. An applicant aggrieved by a determination under this section may appeal a staff determination to the Zoning Board of Adjustment in accordance with Sec. 31-77(b).

- (c) Accessory buildings smaller than two hundred (200) square feet shall be exempt from the provisions of this division.
- (d) Manufactured homes within an established manufactured home park zoned "R-MP" (Mobile Home and Travel Trailer Park) shall be exempt from the provisions of this division.
- (e) Additions to existing homes shall be exempt from the provisions of this division.

### **Sec. 31-902. Repetition.**

~~No elevation shall be repeated within four (4) residential lots on the same side of the street, or within two (2) residential lots on the opposite side of the street.~~

(a) The following repetition standards shall apply to residential lots:

(1) Single-family homes of the same elevation shall not be placed within two (2) lots on the same side of the street, or directly across the street from one another.

(2) Two-family homes of the same elevation shall not be placed within two (2) lots on the same side of the street, or directly across the street from one another.

(b) For purposes of this section, elevations shall be substantially different in terms of shape, massing, and form. The same elevation with different materials, different architectural features, or different fenestration shall not be considered a different elevation for purposes of this section.

(c) Homes of the same or similar floorplan may be repeated within two (2) lots on the same side of the street or directly across the street from one another, provided the rooflines and elevations are noticeably different from one another.

(d) Mirrored elevations shall not be considered different elevations for purposes of this section.

~~(a)~~(e) A developer or homebuilder may seek pre-approval of proposed elevations from the Planning Division prior to submitting permit applications.

### **Sec. 31-903. Garages.**

If a garage is provided, the following standards shall be met:

- (a) A garage door facing the street shall not comprise more than fifty (50) percent of the horizontal length of the front elevation; or
- (b) The exterior wall on either side of the garage door shall not protrude further than any other horizontal building plane on the front elevation.
- (c) For homes having a third car garage, the total width of the garage doors may comprise up to sixty (60) percent of the horizontal length of the front elevation if the exterior wall of the third

car garage is set back from the exterior walls of the other garage doors by at twelve (12) inches and the third car garage has a different roofline than the primary garage.

This standard is applicable only to the width of the garage door, not the entirety of the garage.

**Sec. 31-904. Architectural ~~standard~~elements.**

(a) All new single-family ~~and two-family~~ structures shall include ~~at least five (5) of the following, and all new two-family structures shall include at least four (4) of the following architectural elements:~~

- (1) *Enhanced windows.* Windows on the front elevation shall incorporate ~~at least one (1) window enhancement, including: use of~~ transoms, bay windows, shutters, dormers, ~~eyebrow windows, headers,~~ or other similar ~~window~~ enhancements.
- (2) *Architectural ~~details~~features.* The front elevation shall incorporate ~~no fewer than two (2) different enhanced~~ architectural ~~details~~features, including: corbels, quoining, louvered vents, keystones, decorative railings, ~~columns, cupola, turret,~~ coach lights, ~~decorative half-timbering,~~ or other architectural features ~~as~~ approved by the executive director of development services or his/her designee. Incorporation of at least four (4) different architectural features from this list counts as two (2) architectural elements.
- (3) *Variable roof design.* At least two (2) different roof types (e.g. hip and gable), ~~heights, pitches, plate heights, or two (2) different roof or planes of varying height, direction, or pitch~~ shall be provided.

~~(b) All new single-family and two-family structures shall also include at least three (3) of the following:~~

- ~~(14)~~ *Side or rear entry garage.* No garage doors shall face the street on the primary elevation. This provision includes homes with side-entry, J-swing, detached, or rear-entry garages.
- ~~(25)~~ *Recessed garage.* The exterior wall on either side of the garage door facing the street shall be recessed at least five (5) feet behind any other horizontal building plane on the front elevation.
- ~~(36)~~ *Vertical-Horizontal articulation.* A minimum of three (3) wall planes shall be provided on the front elevation, with offsets being at least twelve (12) inches deep.
- ~~(47)~~ *Covered front ~~porch~~ entry.* A covered front ~~porch~~ entry at least ~~sixty-fourty (640)~~ square feet in area shall be provided on a single-family home; or at least ~~forty-twenty (420)~~ square feet in area per unit on a two-family dwelling. ~~Such porch shall measure not less than five (5) feet in any direction.~~
- ~~(8)~~ *Covered font porch.* A covered front porch at least eighty (80) square feet in area shall be provided on a single-family home; or at least sixty (60) square feet in area per unit on a two-family dwelling. ~~Such porch shall measure not less than eight (8) feet in width and not less than six (6) feet in depth. Incorporation of this architectural element counts as two (2) architectural elements but does not count as a covered front entry.~~

- (59) *Enclosed patio.* A patio or outdoor seating area on the front of the house, which is enclosed on at least three (3) sides by a fence or wall at least thirty-six (36) inches in height.
- (10) *Enhanced front doors.* Front doors shall incorporate sidelights, double doors, a single front door with decorative glass, or other similar front door enhancements.
- (11) *Eyebrow roof.* A decorative eyebrow or shed roof shall be provided over at least one window or garage door.
- (612) *Enhanced garage doors.* ~~Garage doors shall have accent windows and decorative hardware with transparent glass that are permanently affixed to the garage door.~~ *Accent windows on garage doors.* Garage doors shall have accent windows with transparent glass that are permanently affixed to the garage door.
- (13) *Decorative hardware on garage doors.* Garage doors shall have decorative hardware that is permanently affixed to the garage door.
- (14) *Separate garage doors.* For a two-car garage, the front elevation shall include two eight-foot garage doors separated by a column instead of one standard 16-foot garage door.
- (15) *Ribbon driveway.* For residential structures that do not have a garage, a concrete ribbon driveway shall be provided.
- (b) An architectural elements checklist indicating the options selected from this list shall be submitted with each permit.

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#### **Sec. 31-910. Applicability and exemptions.**

- (a) The requirements in this division shall apply to all new commercial, ~~industrial,~~ and institutional developments, including but not limited to retail buildings, office buildings, schools, churches, civic buildings, warehouses, and other non-residential uses in all zoning districts other than "M-1" (Manufacturing District) and "M-2" (Heavy Manufacturing District). Properties zoned "M-1" (Manufacturing District) or "M-2" (Heavy Manufacturing District) shall be exempt from the provisions of this division.
- (b) Accessory buildings smaller than eight hundred (800) square feet shall be exempt from the provisions of this Division.
- (c) Unique non-residential buildings that meet the intent, if not the letter, of the architectural and site design standards set forth in this chapter may be approved by the Executive Director of Development Services or designee. An applicant aggrieved by a determination under this section may appeal a staff determination to the Zoning Board of Adjustment in accordance with Sec. 31-77(b).
- (d) Temporary or portable buildings erected by or for a governmental agency or school district, such as portable school buildings and transitional or temporary housing shall be exempt from the provisions of this division.
- (e) Temporary construction trailers erected as part of a permitted construction project shall be exempt from the provisions of this division.



## Sec. 31-911. Site design standards.

All new non-residential developments shall meet the following standards:

- (a) If a side and rear elevations of any building on a site is visible from a public roadway, that side elevation shall incorporate architectural features, elements, and materials consistent with the front facade elevation.
- (b) If a rear elevation of any building on a site is visible from a public roadway, that rear elevation shall incorporate architectural features consistent with the front elevation.
- (bc) Flat roofs, or roofs having a slope less than three (3) two (2) over twelve (12), shall require a parapet wall at least twenty-fourthirty-six (3624) inches in height on the front and side elevations.
- (ed) Dumpsters shall be screened from view on all sides by a concrete or masonry wall, or metal screening fence at least six (6) feet in height. Metal screening fences shall be R-panel or U-panel and shall be coated and capped at the top.
- (de) Mechanical equipment located on a street-facing elevation shall be screened from view on all sides by a parapet wall, screening wall, or continuous landscape hedge.
- (ef) All buildings and structures on a site, including accessory structures, dumpster enclosures, and gas station canopies, must share a common, identifiable, complementary design or style.

## Sec. 31-912. Architectural ~~standards~~elements.

- (a) All new non-residential developments shall include at least ~~one (1)~~ three (3) of the following architectural elements:
  - (1) Vertical-Horizontal articulation. Exterior walls shall not have an uninterrupted length greater than thirty (30) twenty (20) feet in length, with offsets being at least eighteen (18) six (6) inches deep and twenty-four (24) inches wide. Horizontal articulation may include engaged pilasters, engaged columns, permanently affixed canopies, or other protrusion away from the primary plane of the building, as determined by the Executive Director of Development Services.
  - (2) Vertical articulation. Buildings shall include at least two (2) different roof or parapet heights.
  - (23) Tripartite design. Buildings shall have an identifiable base, middle, and top.
  - (34) Articulated parapet. A parapet wall shall not have an uninterrupted length greater than fifty (50) feet, with articulations being at least thirty-sixtwenty-four (3624) inches in height. Parapet walls shall require cornice detailing. If a parapet wall is provided, it shall be required only on the front and side elevations, but not on the rear elevation.
- (b) ~~All new non-residential developments shall also include at least two (2) of the following:~~
  - (45) Sheltered entry. Primary entrances shall be covered with a portico, canopy, awning, arcade, porte cochère, architectural recess, or other similar feature that provides shelter from the elements.



- (6) Arched entries or windows. Primary entrances or windows shall include arches.
- (27) Transparency. A minimum of ~~seventy-five~~fifty (75~~50~~) percent of the horizontal length of the first floor of the primary elevation, and ~~twenty-five~~ (25) percent the horizontal length of all other street-facing elevations shall be comprised of transparent, non-reflective windows that provide views into occupied spaces. Where the internal arrangement of a building makes it impractical to provide transparency in accordance with this subsection, sculptural, mosaic, or bas-relief artwork, or false windows consisting of opaque or spandrel glass, may substitute for up to fifteen (15) percent of required transparent areas, except when fronting pedestrian-oriented spaces in accordance with subsection 10, below.
- (38) Pitched roof. The primary roof or sheltered entry shall have a pitch of not less than ~~six (6)~~four (4) over twelve (12).
- (9) Building location. Building or structure shall be located as close as possible to the front yard setback to create a more urban form. Parking areas shall be screened from public roadways and placed behind the building and a secondary entrance must be provided.
- (10) Pedestrian-oriented space. A pedestrian-oriented space in front of the building at least eight (8) feet deep and running the full width of the building. This area shall include awnings covering at least twenty-four (24) square feet of the space. This space shall include amenities such as bike parking, bench seating, planters, fountains, artwork, decorative railing, decorative light fixtures, hanging baskets or other features that are pedestrian oriented.
- (b) An architectural elements checklist indicating the options selected from this list shall be submitted with each permit.

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**SECTION II.** That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION III.** That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

**SECTION IV.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION V.** That this ordinance shall be effective after its passage and publication according to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 12<sup>th</sup> day of December, 2023, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

**APPROVED**

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Debbie Nash-King, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

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Laura J. Calcote, CITY SECRETARY

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Holli C. Clements, CITY ATTORNEY